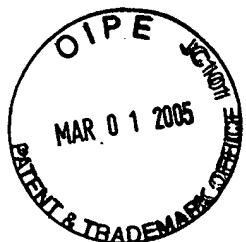


03-03-05

DAC

#18



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

MAR 07 2005

OFFICE OF PETITIONS

IN RE APPLICATION OF:)
HARRY J. LAST)
SERIAL NO.: 09/829,802)
FILED: APRIL 10, 2001) GROUP ART UNIT NO. 3751
TITLE: CABLE OPERATED POOL)
COVER SYSTEM USING)
BUOYANT-SLAT POOL COVERS)
EXAMINER: CHARLES E. PHILLIPS)

SECOND REQUEST TO REVIVE AN ABANDONED PATENT APPLICATION

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

On March 7, 2003, the applicant in the above-identified U.S. patent application mailed to the U.S. Patent and Trademark Office, a supplemental Amendment B, along with a Petition to Revive an Abandoned Patent Application and supporting Declarations.

Interestingly, the application became abandoned because of a response from the U.S. Patent and Trademark Office which was not received in the office of the undersigned attorney.

Accompanying that Petition to Revive was not only the Supplemental Amendment B, but the Declaration of Robert J. Schaap

in Support of the Request to Revive an Abandoned Patent Application, a Declaration of Liliana Cancino in Support of the Request to Revive an Abandoned Patent Application, and a Request for a One-Month Extension of Time. Copies of those documents are again enclosed herewith.

Inasmuch as the applicant had not received any further official action relative to this application, the office of the applicant's undersigned attorney contacted Examiner Phillips on February 17, 2005, regarding the status of this application. Examiner Phillips advised that there was no record of having received a Petition to Revive and supporting papers. A copy of the memo to file which was prepared on February 17, 2005, is also attached hereto.

Upon concluding that telephone conversation with Examiner Phillips, the office of the undersigned attorney then investigated to determine whether the acknowledgment postcard had been received. Our records indicate that no acknowledgment postcard had been date stamped and returned. It is a standard practice in this office to mail an acknowledgment postcard with every document submitted to the U.S. Patent and Trademark Office. That practice is so standard that it is second nature in this office. Please see the Declaration of Liliana Cancino attached hereto.

In view of the fact that no acknowledgment postcard was returned, the office of the undersigned attorney can only conclude that the package mailed to the U.S. Patent and Trademark Office containing the aforementioned documents was not received in the

U.S. Patent and Trademark Office. However, that package was properly labeled, and with sufficient postage, mailed to the U.S. Patent and Trademark Office. The applicant's undersigned attorney's office had no knowledge of the fact that this petition had not been received. The applicant has experienced other substantial delay with the Office of the Petitions, and, therefore, it was concluded that there was no problem with the application. In fact, the applicant was only alerted to the fact that the application was abandoned by virtue of the Notice of Abandonment mailed on December 9, 2004 and received in the office of the undersigned attorney on December 17, 2004. A copy of that Notice with the date stamp applied is also attached hereto to show that this document was not received until December 17, 2004.

Again, it is a common practice to date stamp all documents received in this office. Again, please see the Declaration of Liliana Cancino. Again, the fact that the package containing the aforesaid documents was apparently not received in the U.S. Patent and Trademark Office since there was no return of a postcard, must be concluded. The only other possibility is that the package containing these documents was misplaced along with the acknowledgment postcard.

The applicant in this application is the president and owner of a company which makes pool cover systems of the type described and claimed herein. There was never any intent whatsoever to abandon this application. In fact, the applicant even contacted the

office of the undersigned attorney of record in order to determine whether foreign filing could be expanded at this time. Therefore, the applicant treats this case with some importance. The applicant therefore respectfully requests revival of this application and further processing thereof.

Dated: March 1, 2005

Respectfully submitted,



ROBERT J. SCHAAP
Registration No. 20,577
Attorney for Applicant
(818) 346-6555

Enclosures (11)


C:\Documents and Settings\All Users\Documents\Data\Aquamatic\09829802 Cable Operated Pool System\Petition to Revive-2nd Rqst



CERTIFICATE OF MAILING

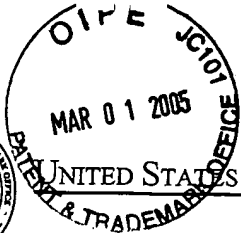
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450

on 3-01, 2005.


(Signature)

Date of Signature: 3-05, 2005

C:\Documents and Settings\All Users\Documents\Data\Aquamatic\09829802 Cable Operated Pool System\Petition to Revive-2nd Rqst



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/829,802 | 04/10/2001 | Harry J. Last | | 1905 |

7590 12/09/2004
Robert J. Schaap
Suite 188
21241 Ventura Boulevard
Woodland Hills, CA 91364

EXAMINER

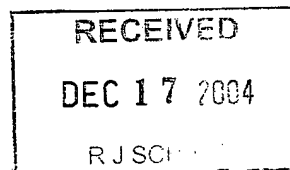
PHILLIPS, CHARLES E

ART UNIT PAPER NUMBER

3751

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

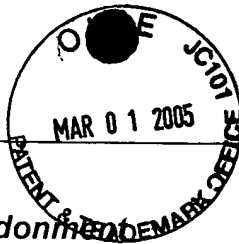


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MAR 07 2005

OFFICE OF PETITIONS

Petition
(571) 272-3282



Notice of Abandonment

Application No.

09/829,802

Examiner

Charles E. Phillips

Applicant(s)

LAST, HARRY J.

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 07 May 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

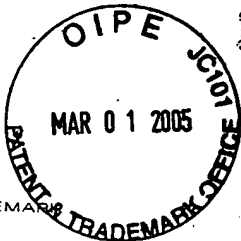
RECEIVED

MAR 07 2005

OFFICE OF PETITIONS

Charles E. Phillips
Charles E. Phillips
Primary Examiner

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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UNFAIR COMPETITION
CAUSES

OF COUNSEL
LENSKE, LENSKE & ABRAMSON

LAW OFFICES
ROBERT J. SCHAAP
A PROFESSIONAL CORPORATION
21241 VENTURA BOULEVARD, SUITE 188
WOODLAND HILLS, CALIFORNIA 91364-2109
TELEPHONE (818) 346-6555
FAX (818) 346-2041

LOS ANGELES OFFICE
5601 WEST SLAUSON BOULEVARD
SUITE 178
LOS ANGELES, CALIFORNIA 90230
TELEPHONE
(310) 645-6460

March 13, 2003

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/829,802 for
Cable Operated Pool System Using Buoyant-Slat
Pool Covers

Dear Sir:

The applicant in the above-identified patent application is
herewith filing a request to revive an abandoned patent
application, a supporting declaration and a supplemental response
to the Office Action dated May 2, 2002.

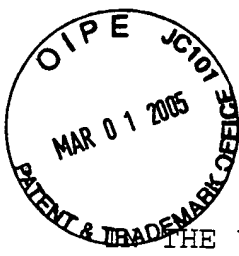
It is believed no fee is required for the submission of this
petition, since any error is not believed to rest on the part of
the applicant.

Please charge any additional costs or credit any overpayment
to Deposit Account No. 19-0258.

Dated: March 14, 2003

Respectfully submitted,

ROBERT J. SCHAAP
Registration No. 20,577
Attorney for Applicant
(818) 346-6555



THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:)
HARRY J. LAST)
SERIAL NO.: 09/829,802)
FILED: APRIL 10, 2001) GROUP ART UNIT NO. 3751
TITLE: CABLE OPERATED POOL)
COVER SYSTEM USING)
BUOYANT-SLAT POOL COVERS)
EXAMINER: CHARLES E. PHILLIPS)

REQUEST TO REVIVE AN ABANDONED PATENT APPLICATION

RECEIVED

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

MAR 07 2005

OFFICE OF PETITIONS

Sir:

Recently, and on February 3, 2003, the applicant was contacted by Examiner Linda Scholl of the U.S. Patent and Trademark Office, regarding the captioned patent application. Ms. Scholl advised that the application had become abandoned by virtue of failure to respond to an Office Paper. Although the applicant did request a copy of that Office Paper, the applicant was advised that same could not be submitted until a request to revive this application had been filed. However, Ms. Scholl did courteously indicate that the applicant had not had only responded to a part of the last Office Action, which constituted a restriction requirement. Apparently, the applicant overlooked the addressing of the species

restriction. The applicant is herewith submitting a supplemental Amendment B, further responding to that restriction requirement, in an effort to file a responsive paper.

The applicant was advised that a paper was mailed on May 2, 2003, requesting that additional supplemental response with a thirty (30) day response period. Unfortunately, the applicant has not received, and has never received, that document. Otherwise, the applicant would have immediately responded to same. It is indeed unfortunate that this application has become abandoned, inasmuch as the applicant would have immediately responded, if such paper had been received.

In particular, that Office Action dated May 2, 2002, was not received in this office. This office maintains a dual docket system in which to identify all due dates. Enclosed are copies of docket sheets for the month of June 2002, showing that there was no entry of this particular Office Action.

The undersigned attorney of record has carefully examined the file of this particular application, and indeed, has examined the files of the other applications for Aquamatic Cover Systems, the assignee of the instant application, in order to insure that the Office Action was not placed in the wrong file. The investigation reveals that the Office Action was not received.

The applicant can state in fact that this application covers subject matter which may be possibly involved in a U.S. District


Court civil action. This application constitutes important subject matter to the applicant, and would never have been abandoned intentionally. Indeed, it is the applicant's intent to continue with the prosecution of this application. To this end, the applicant has enclosed that Amendment B in response to the restriction requirement.

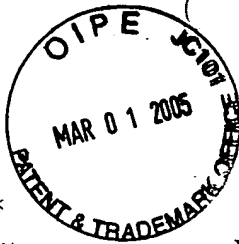
It is noteworthy that this law office has had some continued difficulty with the mail service from the local branch of the United States Post Office. Unfortunately, this is not the first time that an Office Action, or other paper from the U.S. Patent and Trademark Office, had not been received. Indeed, and because of the continued and frequent failure to receive correspondence, both from the U.S. Patent and Trademark Office, and elsewhere, the applicant has submitted a rather strong letter to our local Post Office branch. A copy of that letter is herewith enclosed.

An early revival of this application is therefore respectfully
solicited.

Dated: March 7, 2003

Respectfully submitted,


ROBERT J. SCHAAP
Registration No. 20,577
Attorney for Applicant
(818) 346-6555



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OF COUNSEL
LENSKE, LENSKE & ABRAMSON

LAW OFFICES

ROBERT J. SCHAAP

A PROFESSIONAL CORPORATION

21241 VENTURA BOULEVARD, SUITE 188
WOODLAND HILLS, CALIFORNIA 91364-2109

TELEPHONE (818) 346-6555

FAX (818) 346-2041

LOS ANGELES OFFICE
5601 WEST SLAUSON BOULEVARD
SUITE 178
LOS ANGELES, CALIFORNIA 90230

TELEPHONE
(310) 645-6460

March 5, 2003

Woodland Hills Branch Post Office
22121 Clarendon St.
Woodland Hills, CA 91367

Attn.: Cindy Pritchard, Complaints

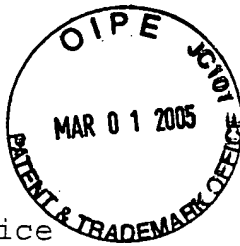
Re: Mail Service

Dear Ms. Pritchard:

Unfortunately, this is not the first time that we have had to complain to the Woodland Hills Branch of the Post Office. We have found on numerous occasions where correspondence which we send is not received by the recipient, and in addition, we have numerous cases where correspondence which was intended for this office never reached this office.

Within the past year alone, over one dozen pieces of mail were not received by this office, and we ultimately obtained copies through a fax or other means. I have never had such poor postal service since I have moved into this office in the Woodland Hills area. Frankly, the service of this branch of the Post Office is appalling.

Our problem is particularly pronounced, since this is a law office dealing in intellectual property matters. We have had numerous instances where mail sent by the U.S. Patent and Trademark Office, and properly addressed, was never received at this office. Fortunately, the Examiners will initiate phone calls in order to determine if we intended to permit a matter to become abandoned. In addition, we have had situations which have arisen where documents were sent by a court and, again, never received at this office.



Ms. Cindy Pritchard
Woodland Hills Post Office
March 5, 2003
Page 2

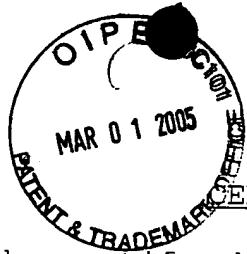
If the situation regarding the mail is not corrected, then I will take this issue directly to the Director's Office in Washington, D.C. I regret the necessity of expressing my concern in such strong terms, but this problem is becoming very pronounced.

Very truly yours,

ROBERT J. SCHAAP

RJS:pjb

D:\Data\Office General\Post Office 1



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231 on 3/14, 2003.

Richard A. Arneson
(Signature)

Date of Signature: 3/14, 2003

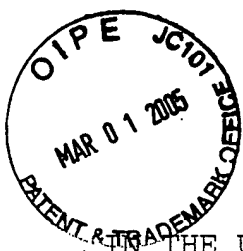
D:\Data\Aquamatic\09829802\Petition to Revive



MEMORANDUM

TO: RJS
FROM: LILIANA
DATE: February 17, 2005
RE: AQUAMATIC 802'

Spoke examiner Phillips on Feb. 17, 2005 regarding status of application. He stated that the file was abandoned and that it did not show that they received our petition to revive on March 2003. I asked him what can we do to revive? He stated that if we filed the petition check to see if we have a postcard. If we do not have the postcard, he suggested that we file a new petition and in a cover letter show the history of what has happened in this case.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:)
HARRY J. LAST)
SERIAL NO.: 09/829,802)
FILED: APRIL 10, 2001) GROUP ART UNIT NO. 3751
TITLE: CABLE OPERATED POOL)
COVER SYSTEM USING)
BUOYANT-SLAT POOL COVERS)
EXAMINER: CHARLES E. PHILLIPS)

DECLARATION OF ROBERT J. SCHAAP IN SUPPORT OF
REQUEST TO REVIVE AN ABANDONED PATENT APPLICATION

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

COMES NOW, ROBERT J. SCHAAP, and states and declares as follows:

That I have personally made an examination of the file of this application, and I have examined other files in this office relating to Aquamatic Cover Systems, Inc. I have found no Office Action dated May 2, 2002, for any such application and, particularly, for this present application, and for that matter, I have found no Office Action for this application, with any date,

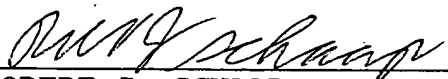
advising of a failure to fully respond to an Office Action, and particularly, an Office Action dated January 11, 2002.

Upon being advised by the U.S. Patent and Trademark Office, and I learned the application became abandoned, I immediately took those steps to revive the application. I am convinced that this Office Action was never received in this office.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

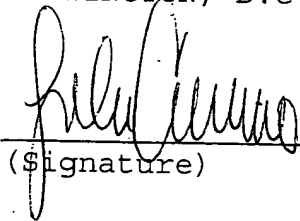
Dated: March 7, 2003

Respectfully submitted,


ROBERT J. SCHAAP
Registration No. 20,577
Attorney for Applicant
(818) 346-6555

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231 on 3/14, 2003.


(Signature)

Date of Signature: 3/14, 2003

D:\Data\Aquamatic\09829802\Declaration of Robert J. Schaap



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:)
HARRY J. LAST)
SERIAL NO.: 09/829,802)
FILED: APRIL 10, 2001) GROUP ART UNIT NO. 3751
TITLE: CABLE OPERATED POOL)
COVER SYSTEM USING)
BUOYANT-SLAT POOL COVERS)
EXAMINER: CHARLES E. PHILLIPS)

DECLARATION OF LILIANA CANCINO IN SUPPORT OF
REQUEST TO REVIVE AN ABANDONED PATENT APPLICATION

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

RECEIVED
MAR 07 2005
OFFICE OF PETITIONS

Sir:

COMES NOW, LILIANA CANCINO, and states and declares as follows:

I am the Office Administrator in the office of Robert J. Schaap, A Law Corporation, and have been for many years.

As part of my duties, on a daily basis, I walk to the mail room of the office building in which we are located, since all mail is delivered to that mail room. Mail is placed in a separate compartment allocated for this office, and I will pick up the mail in that compartment and deliver same to this office. When the mail

is received, I docket the mail and docket any matters requiring response, and give a copy of that document to the secretary of Mr. Schaap, namely, Pauline Barraza. She similarly makes an entry in her docket book. We also initial each Office Action which is received, and which identifies the date in which a response is due and is initialed by both Mr. Schaap's secretary and myself.

I do know that we have never received a copy of the Office Action dated May 2, 2002, or any other paper about that time related to this application. Otherwise, I would have brought the matter to Mr. Schaap's attention. I know that he would have immediately taken some action. I am also aware that this application is important to the client.

When an Office Action or other document requiring response is received, I immediately docket that Office Action and provide the same to Mr. Schaap's secretary, who also docket the Office Action in a separate docket book. The enclosed sheets are docket sheets from our docket books for June of 2002.

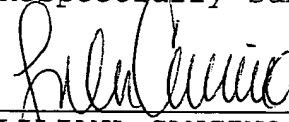
I have also personally examined the file of this application, and I have examined the other files of Aquamatic Cover Systems, Inc., the assignee of this application. We have found no Office Letter dated May 2, 2002, or otherwise, any paper requesting a further response to the Office Action dated January 11, 2002.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

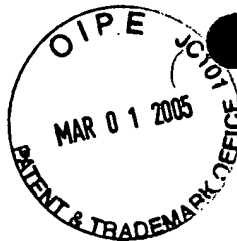
Dated: 3/14, 2003

Respectfully submitted,



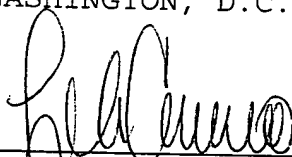
LILIANA CANCINO

D:\Data\Aquamatic\09829802\Declaration of Liliana Cancino



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231 on 3/14, 2003.


(Signature)

Date of Signature: 3/14, 2003

D:\Data\Aquamatic\09829802\Declaration of Liliãna Cancino